

**ZB# 93-40**

**Herbert Anderson**

**35-1-86.1**

Prelim.

Sept. 27, 1993.

Need copies of:

- ① Need 4
- ② Title Report 4
- ③ Photos 4 here.
- ④ Fees: ① 50,000
- ② 292,000

Ap. to return letter to FOK.

~~10/1/93. Notice to Sentinel~~

Public Hearing #

Nov. 8, 1993

Area Variance

Granted

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

13037

October 8

1993

Received of

Herbert Anderson \$ 50.00

Fifty and 00/100

DOLLARS

For

Zoning Board Variance Fee. #93-40

DISTRIBUTION

FUND	CODE	AMOUNT
CE # 274		50.00

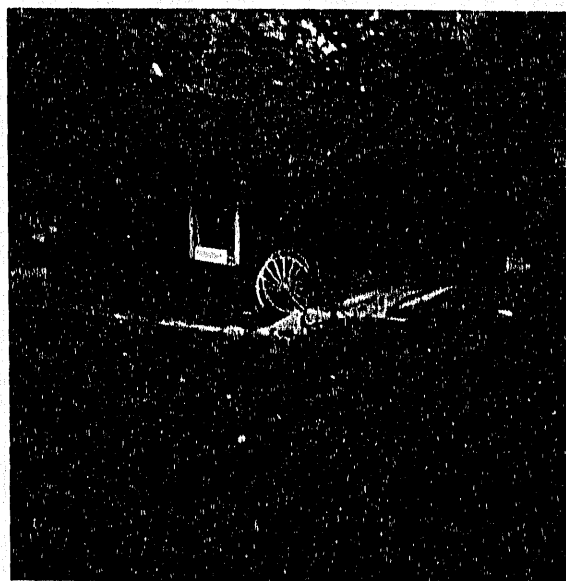
By

Pauline H. Townsend

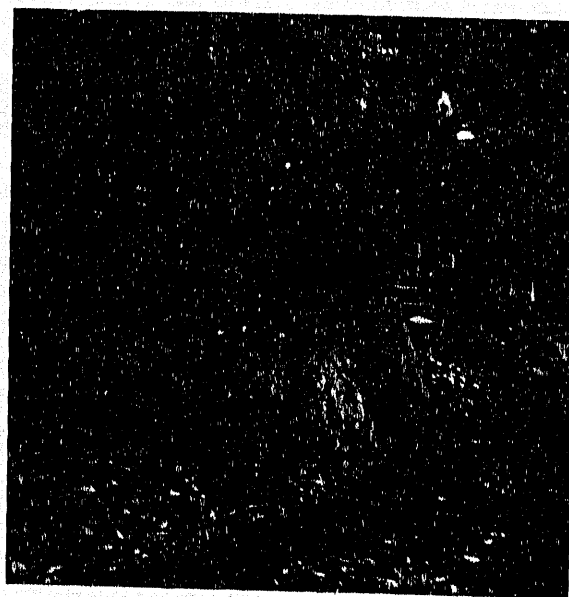
Town Clerk

Title

WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



Looking North West.



Looking South From Road. #93-40.



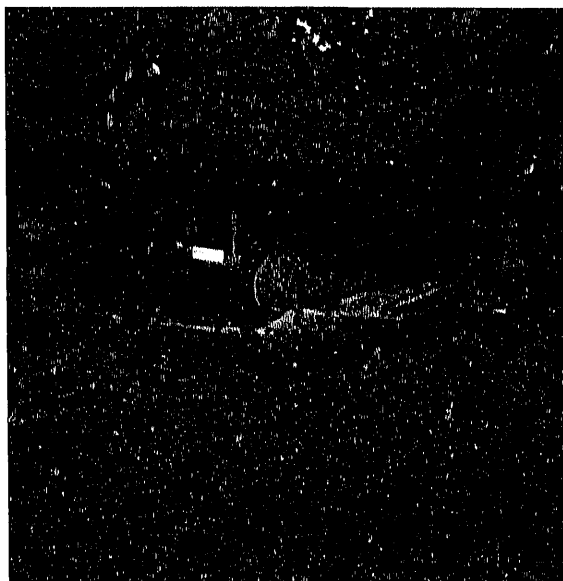
20# 107-REIS, Lawrence, Mary M.

CO # 107- REIS, LAWRENCE

CV# 294		50.00

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

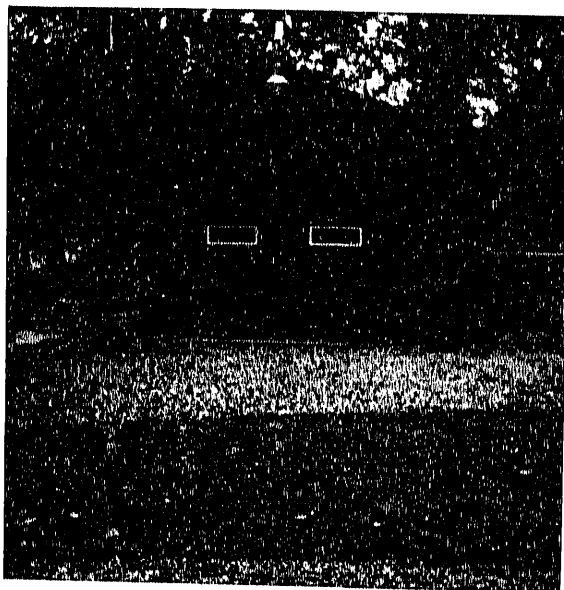
By Lawrence Reis es  
Town Clerk  
Title



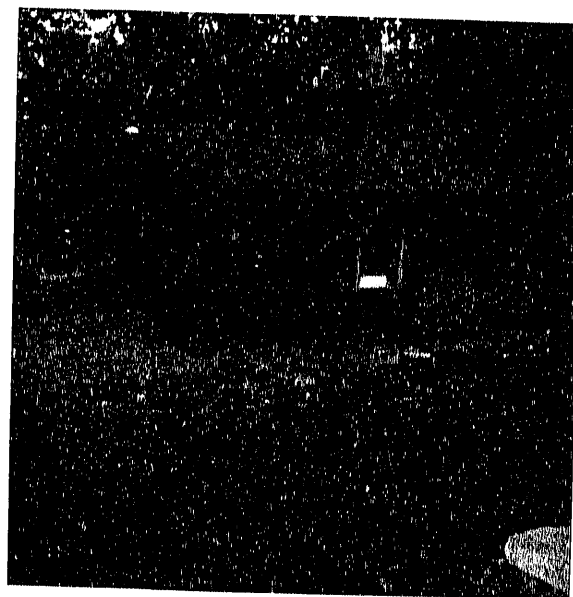
Looking North West.



Looking South From  
Road. #93-40.



Looking East.



Looking North. From  
front yard.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Anderson, Herbert

FILE # 93-40.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00.

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 292.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE . . . . .	\$	_____
2ND PRELIM. MEETING - PER PAGE . . . . .	\$	_____
3RD PRELIM. MEETING - PER PAGE . . . . .	\$	_____
PUBLIC HEARING - PER PAGE . . . . .	\$	_____
PUBLIC HEARING (CONT'D) PER PAGE . . . . .	\$	_____
TOTAL . . . . .	\$	_____

ATTORNEY'S FEES:

PRELIM. MEETING-_____	HRS.	_____	\$	_____
2ND PRELIM. _____	HRS.	_____	\$	_____
3RD PRELIM. _____	HRS.	_____	\$	_____
PUBLIC HEARING _____	HRS.	_____	\$	_____
PUBLIC HEARING _____	HRS. (CONT'D)	_____	\$	_____
FORMAL DECISION _____	HRS.	_____	\$	_____
TOTAL HRS. _____	@ \$ _____	PER HR.	\$	_____
TOTAL . . . . .				\$ _____

MISC. CHARGES:

_____	\$	_____
TOTAL . . . . .	\$	_____

LESS ESCROW DEPOSIT . . . . .	\$	_____
(ADDL. CHARGES DUE) . . . . .	\$	_____
REFUND TO APPLICANT DUE . . . . .	\$	_____

(ZBA DISK#7-012192.FEE)

-----X  
In the Matter of the Application of

DECISION GRANTING  
AREA VARIANCE

HERBERT ANDERSON,

#93-40.  
-----X

WHEREAS, HERBERT ANDERSON, 267 Riley Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a variance to permit an existing garage to project nearer to the street on which the principal building fronts than such principal building, contrary to the provisions of Section 48-14A(4) of the Supplementary Yard Regulations, and for a 13 ft. 8 in. front yard variance for said existing garage, on property at the above location in an R-3 zone; and

WHEREAS, a public hearing was held on the 8th day of November, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant HERBERT ANDERSON, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of Section 48-14A(4) of the Supplementary Yard Regulations in order to allow an existing garage to remain in its present location which projects closer to the street on which the principal building fronts than such principal building and also to vary the provisions of the bulk regulations pertaining to front yard in order to maintain an existing garage at his residential parcel in an R-3 zone.

3. The evidence presented by the applicant substantiated the fact that a variance to permit the existing garage, as an accessory building, to project nearer to the street on which the principal building fronts than such principal building, contrary to the provisions of Section 48-14A(4), and contrary to the front yard bulk regulations in an R-3 zone, would be required in order to allow the existing garage to remain in its present location on the applicant's property, the improvements on which otherwise would conform to the bulk regulations in the R-3 zone.

4. The evidence presented by the applicant indicated that the garage was constructed sometime around 1981 at or about the time of the construction of the residence. Applicant purchased the property in 1986 and at the time of purchase, the municipal searches did not reveal the fact that a certificate of occupancy was never issued for said garage.

5. The evidence presented by the applicant further indicated that applicant is applying for a variance to permit the existing garage to remain in its present location in order to satisfy his bank during the refinancing process.

6. The evidence presented by the applicant substantiated the fact that if applicant were to conform to the requirements of Section 48-14A(4) of the Supplementary Yard Regulations, and the front yard regulations in the R-3 zone, he would have to remove the garage which he did not build in the first place so that it would not extend beyond the front portion of the residence. Not only would this be costly, it would not be in as functional a location and would not confer any benefit on the applicant or on the public and would inhibit any future sale of the house.

7. The evidence presented by applicant also substantiated the fact that if applicant were forced to remove the garage so that it would not protrude in front of the house, he would be without a garage for his residence since the steep slope away from the road makes the location of the garage in a conforming manner an impractical location therefore.

8. The garage has existed on the property in its present location for approximately 12 years and it does not appear that such location has been a detriment to the neighborhood or adversely impacted the public health, safety and welfare.

9. The evidence presented by the applicant and the Board's familiarity with the area indicated that many of the neighboring properties are improved with garages of a comparable or larger size, some of which are freestanding and some of which are located close to the road than the applicant's garage.

10. The applicant also indicated that both his house and the garage which is the subject of this application are set well back from the road and the said garage is well screened from view by existing vegetation.

11. Due to the steep slope and the layout of this lot, it appeared that the garage could not be located in a conforming manner and be as functional or possess as much utility.

12. The evidence presented by the applicant also indicated that the neighborhood surrounding the subject site is devoted to residential uses.

13. It is the finding of this Board that the requested variance, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have

garages of comparable, or larger, dimensions.

14. Given these factors, it is the finding of this Board that the applicant's existing garage does not have an adverse effect on property values in the neighborhood.

15. The evidence presented by applicant substantiated the fact that the variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the structure has been in the existing location for many years, it enhances the residential character of the neighborhood and of the applicant's property and because the screening and set back ameliorate the impact on the neighborhood.

16. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the requirements of Section 48-14A(4) of the Supplementary Yard Regulations and the bulk regulations for front yard. However, it is the conclusion of this Board that the granting of the substantial requested variance is warranted here because of the fact that the garage has existed in its present location for approximately 12 years, that the garage is set back and well screened from view, and that the slope makes it impractical to set the garage back any further.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created one since the violative conditions were created by a predecessor in title, to wit, the previous owner, who failed to obtain the necessary variance and a Certificate of Occupancy on the garage, which failures can be attributed to the applicant as the successor in title. However, the applicant is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.



7. It is the further finding of this Board that the requested variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variance to permit an existing garage as an accessory building, to project nearer to the street on which the principal building fronts than such principal building, contrary to the provisions of Section 48-A(4) and of the Supplementary Yard Regulations, and a 13 ft. 8 in. front yard variance for said existing garage, at the above location in an R-3 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 10, 1994.

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Chairman

(ZBA DISK#10-021993.AS)

November 8, 1993

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PUBLIC HEARING

93-40

ANDERSON, HERBERT

MR. NUGENT: Request for 13 ft. 8 in. front yard variance and a variance from Section 48-14A(4) of supplementary Yard Regulations to allow existing garage which projects closer to road than principal structure located at 267 Riley Road in an R-3 zone.

Mr. Herbert Anderson appeared before the board for this proposal.

MR. LUCIA: You'll have to just explain for the record once again what it is you're seeking a variance on.

MR. ANDERSON: I bought the property in '86 and I have been the third owner. He have all the existing structures are up including this garage. I have been trying to get the variance but they I guess the building inspector at that time, went through and it got a building permit but only 80 percent was put down on my card they keep on the records in the assessor's office so I had to, so I didn't find this out until I went to refinance and so found out the garage was illegal because it's in the front of my house instead of in the back or to the side. So I have to, that is why I'm here to get that variance now. Now you have pictures that you can see the garage now the aqueduct is behind my house and I live on a very steep piece of property so I really couldn't move that garage back any. Number two, it meets the regulations for the requirements from the road. I've got enough room from the road to the front of the garage. Number 3, it's probably the prettiest garage in the whole area. I'd like to have that for me, it's almost as nice as my house, tell you the truth and it blends in nice with the land and it's in excellent condition and I got my electrical inspection today. We checked that all out today so if you want any other information, I'm more than willing to, being from Ossining, I'm a talker, most people found out when I come in that Pat and I area alumni from the same high school. I played football with her brothers so--

MR. LUCIA: Do you know when the garage was constructed?

MR. ANDERSON: About 1980.

MR. LUCIA: Landscaping or trees that conceals the garage from the front?

MR. ANDERSON: Quite a bit in the summertime and I'd say the fall, spring and the summer, you really can't see the garage from the road unless you're looking right up the driveway cause it sits off the driveway and like this, it's parallel to the driveway and in the wintertime, when the leaves are down, you can see the garage but it sits pretty far back but it really blends in nice.

MR. LUCIA: Slope is down from the road?

MR. ANDERSON: Yes, straight down because you told me to go the other way to avoid it but then I talked to Mike and he said that might cost more for a survey and all this other stuff. We sat down and figured dollars and cents.

MR. LUCIA: Do you feel an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties if this board should grant you a variance?

MR. ANDERSON: No, it won't cause a problem.

MR. LUCIA: Is the variance which you seek achievable by some other method feasible for you to pursue other than a variance?

MR. ANDERSON: No.

MR. LUCIA: Is the requested area variance substantial that is in terms of numbers? You're looking for a variance of--

MR. BABCOCK: Thirteen foot eight inches.

MR. LUCIA: Against setback of?

MR. BABCOCK: 35.

MR. LUCIA: Well, how would you want to treat that? Do you think that is a substantial variance in terms of numbers? You're looking for variance of approximately 1/3 I guess is the requirement.

MR. ANDERSON: I don't know how to answer that. No, no.

MR. LUCIA: Do you feel the proposed variance will have an adverse effect or impact on physical or environmental conditions in the neighborhood?

MR. ANDERSON: Only upgrade the neighborhood.

MR. LUCIA: Do most of your neighbors have garages on their properties?

MR. ANDERSON: Yes.

MR. LUCIA: Are some of those freestanding?

MR. ANDERSON: Yes.

MR. LUCIA: Is your garage particularly larger than any of your neighbors garages or comperable with the others?

MR. ANDERSON: No. In fact, it's further back than my neighbor did right across the street. In fact, he's only about three foot off the road on both garages and his structures aren't half as nice as my structures.

MR. LUCIA: What's the current character of the neighborhood, is it all residential?

MR. ANDERSON: I think Riley Road is.

MR. LUCIA: Was this difficulty self-created? Did you cause this problem yourself?

MR. ANDERSON: No, I didn't at all. I just inherited, that is all.

November 8, 1993

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MR. LUCIA: You're doing your best to rectify the problem?

MR. ANDERSON: I'm doing my best right here standing here before you trying to solve this thing.

MR. LUCIA: Thank you for a copy of your deed and title policy. I see your property is subject to a number of covenants and restrictions and easements as most properties are. Is there anything affecting your property which with would prohibit you from maintaining this garage in its present location if the board should grant you a variance?

MR. ANDERSON: Nope.

MR. NUGENT: Seeing there's no public, we won't have a public hearing but we'll open it back up to the board if there's any further questions. If not, I'll entertain a motion.

MR. TANNER: Make a motion we grant the variance.

MR. TORLEY: Second it.

#### ROLL CALL

MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. ANDERSON: I thank everybody, believe me.

Hayden



*Prelim.  
Sept. 27, 1993.*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: SEPTEMBER 10, 1993

APPLICANT: HERBERT ANDERSON  
267 RILEY ROAD  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: SEPT.10, 1993

FOR (BUILDING PERMIT):

LOCATED AT:

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SECTION: 35, BLOCK: 1, LOT: 86.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING GARAGE PROJECTS CLOSER TO ROAD THAN HOUSE.
2. EXISTING GARAGE DOES NOT MEET MIN. FRONT YARD SE-BACKS.

*[Signature]*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-3	USE E-9 48-14. A(4)	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD	35FT.	21FT. 4"      13FT. 8"

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



# IMPORTANT

## REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

### PLEASE PRINT INFORMATION

Name of Owner of Premises HERBERT ANDERSON  
 Address 267 Riley Rd Phone \_\_\_\_\_  
 Name of Architect \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Name of Contractor \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_  
 If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the Riley Rd side of \_\_\_\_\_  
 (N.S.E. or W.)  
 and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated R-1 Is property a flood zone? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Tax Map description of property: Section 35 Block 1 Lot 86.1

CONFIRMED BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
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Name of Architect \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_  
If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of Riley Rd  
(N.S.E. or W.)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated R-1 Is property a flood zone? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Tax Map description of property: Section 35 Block 1 Lot 86.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy ONE FAMILY b. Intended use and occupancy GARAGE / STORAGE
5. Nature of work (check which applicable): New Building \_\_\_\_\_ Addition \_\_\_\_\_ Alteration \_\_\_\_\_ Repair \_\_\_\_\_  
Removal \_\_\_\_\_ Demolition \_\_\_\_\_ Other EXISTING 20x25 GARAGE (APX SIZE)
6. Size of lot: Front Rear \_\_\_\_\_ Depth \_\_\_\_\_ Front Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_ Side Yard \_\_\_\_\_  
Is this a corner lot? NO
7. Dimensions of entire new construction: Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ Number of stories \_\_\_\_\_
8. If dwelling, number of dwelling units \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_  
Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_  
If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_  
(to be paid on this application)
11. School District \_\_\_\_\_

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

# TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
 Approved.....19.....  
 Disapproved a/c.....  
 Permit No.....

Office Of Building Inspector  
 Michael L. Babcock  
 Town Hall, 555 Union Avenue  
 New Windsor, New York 12550  
 Telephone 565-8807

Refer —  
 Planning Board.....  
 Highway.....  
 Sewer.....  
 Water.....  
 Zoning Board of Appeals.....

## APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

### INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

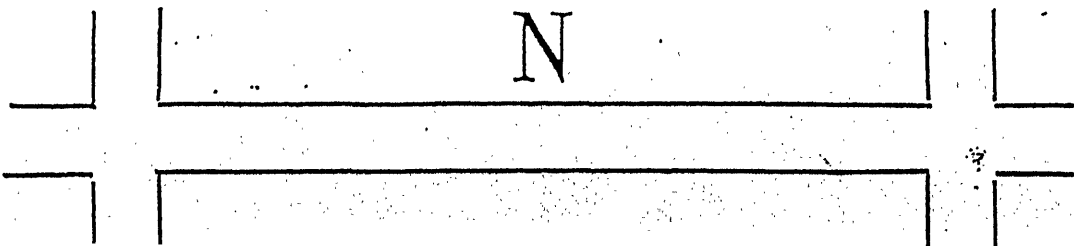
.....  
 (Signature of Applicant)

.....  
 (Address of Applicant)

### PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -  
 Planning Board.....  
 Highway.....  
 Sewer.....  
 Water.....  
 Zoning Board of Appeals .....

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- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

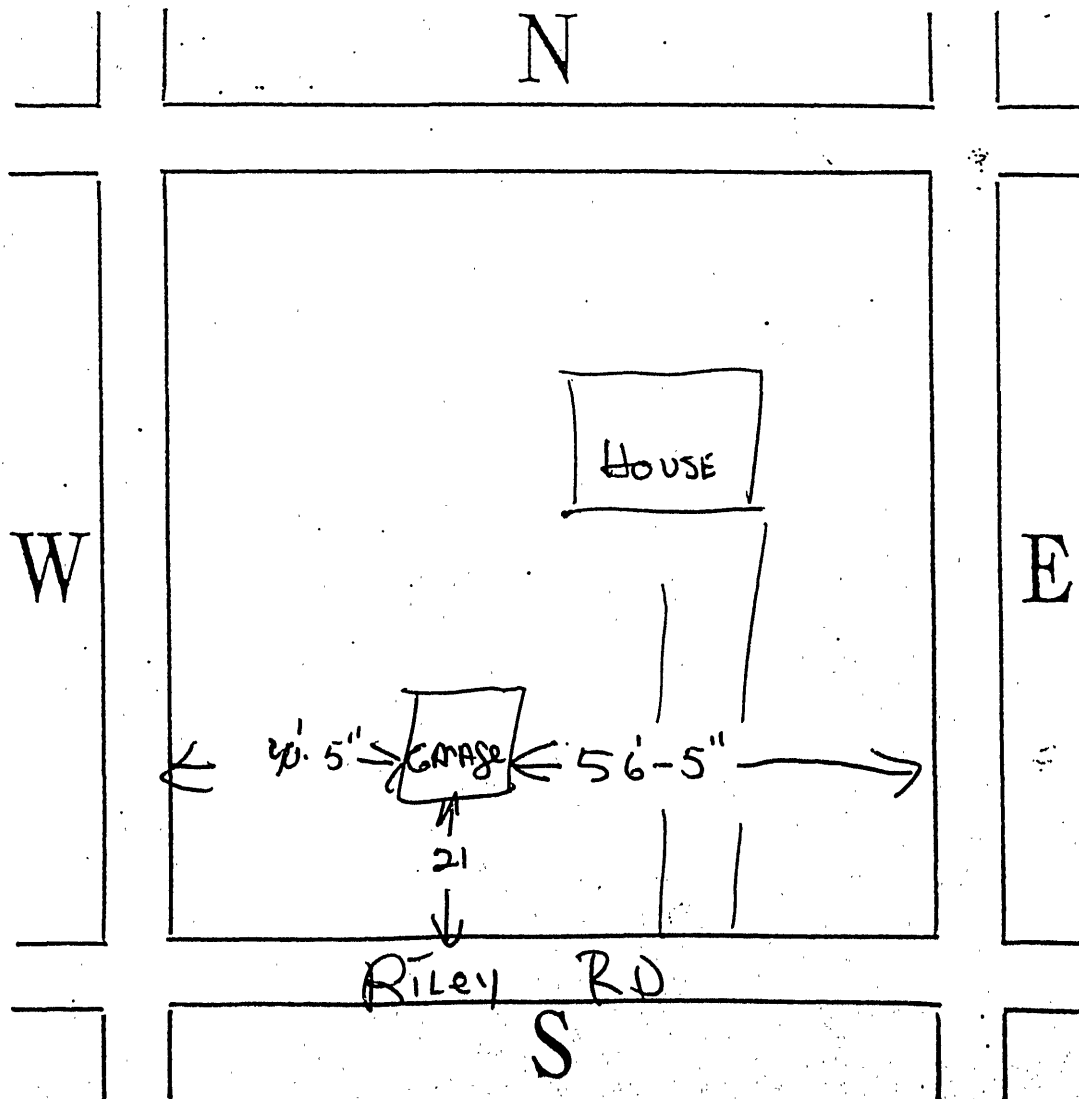
.....  
 (Signature of Applicant)

.....  
 (Address of Applicant)

## PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



ANDERSON, HERBERT

MR. NUGENT: Request for 13 ft. 8 in. front yard variance plus a variance from Section 48-14A(4) of the Supplementary Yard Regulations which allows structure to project closer to road than principal building at 267 Riley Road in an R-3 zone.

Mr. Herbert Anderson appeared before the board for this proposal.

MR. ANDERSON: I bought the house in '86, house was constructed in '81, I think it was sold in '83 to another party, '82 the garage was built they must have had a title company and the garage was up and that passed. When I bought it, he know I have a title company it's been passed and the garage has been up since '81, I come over because I had some other problems with my property, I wanted to refinance and I solved my other problems and now I found out that my garage never had a C.O. That really wasn't my garage to start with, it was there when I got there, a 20 by 20 foot garage that is in front of my house that I have to get a variance on so I can refinance.

MR. LANGANKE: When was the garage built?

MR. ANDERSON: I believe same time as my cabin but I said '82 to make sure, cabin was put up in '81 and my title company didn't pick it up. I have been paying taxes on it but why the other title company didn't pick up, I don't know.

MR. TANNER: It's not an unusual occurrence.

MR. LUCIA: Actually, it has to do with what their function is, title companies do not certify zoning matters, they certify title. That is different. They'll give you a report typically nowadays based on--

MR. ANDERSON: I refinanced and now I have to pay all these fees that somebody else should have paid, right?

MR. HOGAN: Right.

021993 AS

MR. ANDERSON: That is not really legal, is it? I don't think I have to pay out of my pocket but that is all I want to do.

MR. HOGAN: You're not alone, there's a lot of people.

MR. ANDERSON: I know that on my street.

MR. LUCIA: Also no great slope from the road into your front yard is there, difference in elevation of terrain?

MR. ANDERSON: Yes, there is.

MR. LUCIA: Do you know how great that slope is?

MR. ANDERSON: What kind of pitch would that be? I probably figure from the garage to the road is probably eight feet.

MR. TANNER: It shows 5, just about 5 on there.

MR. LUCIA: Probably not enough. I was trying to get you out of this, there's a provision from 4814 A 4 that allows you to have a garage closer to the road if it is a slope of ten to ten percent within 25 feet or if it exceeds 20 percent slope but it sounds like you're under that.

MR. ANDERSON: Might not be, I don't know.

MR. LUCIA: If there's any chance of it by all means do the calculations but it's possible that you wouldn't need a variance. The applicable section of the ordinance is 4814 A 4 but check it, it could be an easy way out for you if the slope is not that great, you're back here anyway.

MR. LANGANKE: But he can continue working this process?

MR. ANDERSON: I'd rather get the variance, open it up, pay the fee. I'm not 12 foot, I know that.

MR. TANNER: He's 107 feet back from the road, his

MR. TANNER: He's 107 feet back from the road, his house and garage is in the front of it so he's a considerable distance back from the road. It's not like you know he's got both of them sitting on the.

MR. ANDERSON: So I want the know what I have to do.

MR. TORLEY: You're doing it.

MR. HOGAN: So moved.

MR. TORLEY: I have no further questions at this time and if you'd accept a motion, I'd like to make that motion.

MR. TANNER: I'll second it.

ROLL CALL

MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. LUCIA: Take a look at the instruction sheet, you'll need to fill out the application and return it to Pat. If you have any questions, give her a call. When you return that, you'll have to submit two checks both payable to the Town of New Windsor, one for \$50 application fee, second for \$292 deposit against Town consultant review fees and various disbursements in handling your application. When you come back to the public hearing, please you bring a copy of your deed, copy of your title policy, and also some photographs showing the garage and front yard views just so we can see the aspect of it from your property and others.

MR. ANDERSON: When is the next meeting?

MR. LUCIA: Next meeting is October 25 but your first obligation is to fill out the application, get it back to Pat cause we can't do anything until that gets back and depending on the agenda, you may or may not be on that meeting. So complete that.

MR. ANDERSON: I have been trying to get financing, refinancing because I am a senior citizen, I'm trying to get this thing down and I've got all my other violations taken care of a, lot of them weren't mine either. I paid for that too. Now that if I can get a letter from the board or from the building department which they said you would do once I get the application fee in that I am going for my variance they'll send a letter saying I've cleared all my violations up and I'm in the process of getting a variance.

MR. LUCIA: If they'll accept that I'm sure the building department can provide whatever kind of letter you need.

MR. BABCOCK: We're not going to give you a letter saying that you have cleared all your violations until you have this so.

MR. ANDERSON: Until I have this too.

MR. BABCOCK: Right.

MR. ANDERSON: That isn't what I was told. I was told if I cleared the other ones up because it was a garage they'd send it in saying I'm in the process of getting the variance.

MR. BABCOCK: This garage is in violation and until this board acts, it continues to be in violation. That is where the problem is. I can't say it's not in violation, it is in the front yard, it's not allowed to be there.

MR. LANGANKE: He's not asking that, just for a letter saying the other violations were cleared and he's applying for a variance on the garage.

MR. BABCOCK: I can do that, we've done that before but I can't say that there are no violations.

MR. ANDERSON: No, that wasn't what I was asking, just the other one then I can go on with my closing.



September 27, 1993

26

MRS. BARNHART: When a person applies and receives a variance, I can send a letter to the, I can give him a letter saying that the variance was granted, that is it.

MR. ANDERSON: But the other things were cleared up that is all I'm asking for because my bankers said that is all I would need and I can probably get my closing but I'll be waiting another three months those rates could go up again.

MR. LUCIA: If the bank will accept that. I will give you a copy of Section 267B of the Town Law, I put a little arrow in the margin next to the paragraph that applies to area variances. When you come back, please be prepared to speak is the five factors listed there. This board, in deciding whether or not to grant you a variance, has to weigh the benefit to you if the variance is granted as against the detriment to the health, safety and welfare of the community by granting you that variance. Speak to the 5 issues that are listed right there when you come back.

MR. ANDERSON: Thank you.

9/93



*Pls. publish on or before 10/20/93. Send bill to Ap. at below address!*

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 40

Request of Herbert T. Anderson

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing garage w/ insufficient front yard,  
which projects closer to road than principal structure;

being a VARIANCE of

Section 48-12-Table of Use/Bulk Regs. - Col. E &  
Sec. 48-14A(4) - Supplementary Yard Regs.  
for property situated as follows:

267 Riley Road, New Windsor,

N.Y., known as tax map Section 35-

Blk. 1 - Lot 86.1

SAID HEARING will take place on the 8<sup>th</sup> day of

November, 1993, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart  
Secy.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

15

October 7, 1993

Herbert T. Anderson  
267 Riley Rd.  
New Windsor, NY 12553

Re: Tax Map Parcel: 35-1-86.1

Dear Mr. Anderson:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook* (CAD)

LESLIE COOK  
Sole Assessor

LC/cad  
Attachments  
cc: Pat Barnhart

Longcore, William & Maciel, Christine  
Box 176 RD2 Riley Rd.  
New Windsor, NY 12553

Johnson, James Jr.  
178 Riley Rd.  
New Windsor, NY 12553

Travers, Beulah  
290 Riley Rd.  
New Windsor, NY 12553

Rushing, William  
232C Riley Rd.  
New Windsor, NY 12553

Oliveri, Richard & Mary  
232B Riley Rd.  
New Windsor, NY 12553

D'Antonio, Mariana & Peter  
285 Riley Rd.  
New Windsor, NY 12553

Khan, Dr. Mohammad Haleem & Najmus Sahar  
16 Green Bower Lane  
New City, NY 10956

La-France, Leslie A. & Patricia R.  
RD2 Riley Rd, Box 231  
New Windsor, NY 12553

Anderson, Dane B. & Monica L.  
232D Riley Rd.  
New Windsor, NY 12553

New York City Dept. of E P  
c/o City of New York Dep Bureau of Water Supply-OWSL  
465 Columbus Ave. Suite 350  
Valhalla, NY 10595

Kartiganer, Herbert L. & Majorie N.  
557 Blooming Grove Tpke.  
New Windsor, NY 12553

Central Hudson Gas & Electric Corp,  
c/o Tax Agent  
South Rd.  
Poughkeepsie, NY 12601

Village of Cornwall  
c/o Distribution System of Cornwall on Hudson  
PO Box 337  
Cornwall, NY 12520

Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Kumstar, Rose B.  
c/o Wendell Harp  
PO Box 400  
New Paltz, NY 12561

Premises: New Windsor 179 Riley Road

Title No. KPO-H462274

Purchaser or Borrower: Herbert C. Anderson & Maureen Anderson, his wife

## CERTIFICATE AND REPORT OF TITLE



**COMMONWEALTH LAND**

TITLE INSURANCE COMPANY

A Reliance Group Holdings Company

certifies to Irwin Kavy, Esq. & Goshen Savings Bank

that in consideration of the fees, due and payable upon the delivery of this certificate, it has examined title to the premises described in Schedule A herein, in accordance with its usual procedure and agrees to issue its standard form of **MORTGAGE** policy in the amount of \$ 80,000.00 insuring such interest and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company, excepting all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in this certificate which are not disposed of to its satisfaction prior to such closing or issuance of the policy.

Such policy will be issued for the amount set forth herein, upon payment of the Company's fees and after the transaction has been duly closed and the closing instruments have been duly recorded and approved by the Company.

This certificate is subject to any question or objection as a result of a continuation of the title to the date of closing or which may be brought to the attention of the Company prior to the closing, or if there be no closing, before the issuance of the policy.

This certificate shall be null and void (1) if the Company's fees therefor are not paid (2) if the prospective insured, his attorney or agent, or the applicant or the person to whom this certificate is addressed, makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) in any event, upon the delivery of the policy. Any claim arising by reason of the issuance of this certificate shall be restricted to the terms and conditions of the standard form of insurance policy.

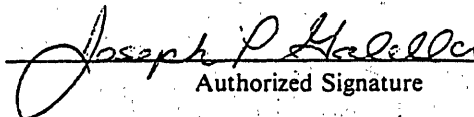
If title, interest or lien to be insured was acquired by the prospective insured prior to delivery of this certificate, the Company assumes no liability except under the policy when issued.

The land which is the subject of this transaction, lies in

Section 35 Block 1 Lot 86 City of

Town of New Windsor on the Land-Tax Map of the County of Orange

Dated: 8/30/87 9 a.m.

  
Authorized Signature

Redated and Recertified:

Closer

If you have any questions regarding this report please communicate with  
KENNETH PREGNO AGENCY, LTD.

**THIS COMPANY CERTIFIES** that a good and marketable title to the premises described in Schedule A, subject to the liens, incumbrances and other matters, if any, set forth in this certificate may be conveyed mortgaged by HERBERT ANDERSON AND MAUREEN ANDERSON

who acquired title by deed from Thomas A. Belladone and Brenda C. Belladone, his wife, dated 10/22/86 and recorded 12/11/86 in Liber 2622 cp 63.

**SCHEDULE B** in which are set forth the additional matters which will appear in the policy as exceptions from coverage, unless disposed of to the Company's satisfaction prior to the closing or delivery of the policy:

*Disposition*

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule herein.
2. Mortgages returned herein ( ONE ). Detailed statement within. Liber 2482 mp 236.
3. Any state of facts which an accurate survey might show.  
or  
Survey exceptions set forth herein.
4. Rights of tenants or persons in possession.
5. Covenants, conditions, easements, leases, agreements of record, etc., more fully set forth in Schedule herein:—
6. Grants in Liber 762 cp 281 and Liber 871 cp 126; Title company insures that for mortgage only said will not interfere with the use of the structures on the premises for residential purposes;
7. Instruments must be signed in black ink to be acceptable for recording by the county clerk;
8. If title company is to accept any payment from the seller, his check is to either be certified and payable to the title company directly or, if a personal check, it must be endorsed with payment guaranteed by the attorney for the client;
9. Proof is required that the certified owners herein have not been known by any other name, married or single, within the last ten years; otherwise such other name must be revealed and searches amended;
10. Survey shows a strip of land adjoining subject premises to be dedicated to the town of New Windsor for highway purposes. Proof of such conveyance must be provided to title company;



## MUNICIPAL, DEPARTMENTAL AND OTHER INFORMATIONAL SEARCHES

TITLE NO. **KPO-H462274**

Any searches or returns reported herein are furnished FOR INFORMATION ONLY. They will not be insured and the company assumes no liability for the accuracy thereof. They will *not be continued* to the date of closing.

Search made by Dept. of Buildings:

**Certificate of Occupancy issued on July 6, 1983 for single family log dwelling.**

Search made by Fire Department:

**No violations on record.**

**PLEASE NOTE that the tax lot on which the Certificate of Occupancy Search was done includes subject premises and more. It appears that the Certificate of Occupancy reflected herein may cover a dwelling to the East of the proposed dwelling on the premises under examination.**

Search made:

Street report: **Riley Road is a town road.**

## CENTRAL VIOLATIONS BUREAU

In *New York City*, since about July 1, 1961, only the Fire Department, the Department of Health, the Department of Air Pollution Control and the Department of Water Supply, Gas and Electricity have been reporting violations issued by them affecting multiple dwellings to the Central Violations Bureau established pursuant to Section 328 of the Multiple Dwelling Law. In its report of its search for violations the Department of Buildings includes such violations affecting multiple dwellings filed by the aforesaid departments in the central bureau.

## STREET VAULTS

In *New York City*, if there is a STREET VAULT, it is suggested that applicant investigate possible unpaid license fees by the City of New York for the use of such vault, because the right to maintain it IS NOT INSURED.

TOWN OF NEW WINDSOR  
COUNTY OF ORANGE

555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

Building Department

Permit No. 1817.....

Location: W. Side Riley Road.....

Map No.:..... Section: 75..... Block: 1..... Lot: 86.....

Certificate of Occupancy

No. 51.....

Date July 6, 1933

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated May 24, 1933, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is Single family Dwelling.....

This certificate is issued to John F. McMillan  
(owner, lessee or tenant)

of the aforesaid building.

Patricia J. Kernal  
Superintendent of Buildings

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 30<sup>th</sup> day of ~~November~~ <sup>October</sup>, nineteen hundred and ninety-two  
BETWEEN

HERBERT ANDERSON and MAUREEN ANDERSON, 177 Riley Road,  
New Windsor, New York

110-  
party of the first part, and

HERBERT ANDERSON, residing at 177 Riley Road, New Windsor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described on Schedule "A" annexed hereto and made a part hereof.

(014) 137 1103  
BOSKORU, HENRY M. 10000  
ALBANY, N.Y. 12202  
BOSKORU, HENRY M.  
KENNETH B. BOSKORU

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

party of the first part, and

HERBERT ANDERSON, residing at 177 Riley Road, New Windsor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described on Schedule "A" annexed hereto and made a part hereof.

(014) 130 1103  
BOOKER NEW YORK 10012  
ALCOCK BOOK CO. INC.  
100 N. 10TH ST. PHILADELPHIA 5, PA.  
KENNETH B. BROWN

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBER 3701 PAGE 331

Herbert S. Anderson  
HERBERT ANDERSON

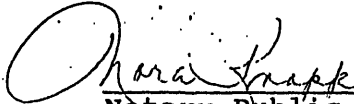
Maureen Anderson  
MAUREEN ANDERSON

STATE OF NEW YORK, COUNTY OF ~~WESTCHESTER~~ <sup>ORANGE</sup> SS:

On the 30 day of ~~November~~ <sup>OCTOBER</sup> 19 92, before me personally came

HERBERT ANDERSON

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

  
Notary Public

NORA KNAPP  
Notary Public, State of New York  
County of Orange  
Commission Expires 4/30/93  
Notary Reg. No. 4832491

STATE OF NEW YORK, COUNTY OF SS:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ~~WESTCHESTER~~ <sup>ORANGE</sup> SS:

On the 30 day of ~~November~~ <sup>OCTOBER</sup> 19 92, before me personally came

MAUREEN ANDERSON

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

  
Notary Public

NORA KNAPP  
Notary Public, State of New York  
County of Orange  
Commission Expires 4/30/93  
Notary Reg. No. 4832491

STATE OF NEW YORK, COUNTY OF SS:

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

KENNETH PREGNO AGENCY LTD.

Park Circle Building

At Jan Peek Square

Peekskill, New York 10566

(914) 739-8293

**Mortgage and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. KPO-H461626

HERBERT ANDERSON & MAUREEN ANDERSON  
TO

HERBERT ANDERSON

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE  
INSURANCE COMPANY**

SECTION 35.

BLOCK 1

LOT 86 (Parcel 1)

COUNTY OR TOWN of New Windsor  
County of Orange

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

Return by

Irwin J. Kavy  
Attorney At Law  
573 North State Road  
Briarcliff Manor, N.Y.

Zip No. 10510

LIBER 3701 PAGE 332

DESCRIPTION OF LANDS FOR  
HERBERT ANDERSON & MAUREEN ANDERSON

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, lying and being in the Town of New Windsor, County of Orange and State of New York known as lot #1 as shown on a map entitled "Subdivision of Lands for Herbert Anderson & Maureen Anderson", dated March 3, 1987, revised June 29, 1987 and filed in the Office of Orange County Clerk on July 29, 1987 as map #8409 and being particularly bounded and described as follows:

Beginning at a point in the southerly line of Riley Road, and being the northeast corner of the above mentioned subdivision, thence;

- (1) S17°59'15"W, 247.50 feet along a stone wall and along s now or formerly of Loncore to a point in a wire fence, thence;
- (2) N57°06'30"W, 154.22 feet along a wire fence and along s of the City of New York Water Supply, thence the following courses along lot #2 of the above mentioned subdivision;
- (3) N16°35'17"E, 95.97 feet, thence;
- (4) N34°33'45"E, 125.00 feet, thence the following two es along the southerly line of Riley Road;
- (5) S69°57'15"E, 41.02 feet, thence;
- (6) S67°05'15"E, 75.00 feet to the point of beginning.

Containing 0.757 acres of land.

# ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

-(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

Herbert & Maureen Anderson  
TO  
Herbert Anderson

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

Kenneth Pregno Agency, Ltd.  
Park Circle Building  
Peekskill, NY 10566

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62167 DATE 10-30-92 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove  
CH22 Chester  
CO24 Cornwall  
CR26 Crawford  
DP28 Deerpark  
GO30 Goshen  
GR32 Greenville  
HA34 Hamptonburgh  
HI36 Highland  
MK38 Minisink  
ME40 Monroe  
MY42 Montgomery  
MH44 Mount Hope  
NT46 Newburgh (T)  
NW48 New Windsor  
TU50 Tuxedo  
WL52 Wallkill  
WK54 Warwick  
WA56 Wawayanda  
WO58 Woodbury  
MN09 Middletown  
NC11 Newburgh  
PJ13 Port Jervis  
9999 Hold

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes ☐ No ☐

3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ EXEMPT

RECORD. FEE \$ 14

REPORT FORMS \$ 30-

CERT. COPIES \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: Ln

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 12th day of Nov 19 92 at 4:39

O'Clock P M. In Liber/Film 3701  
Deed at page 330 and examined.

Marion S. Murphy  
County Clerk

K. Pregno

RECEIVED
\$ <u>EXEMPT</u>
REAL ESTATE
NOV 12 1992
TRANSFER TAX
ORANGE COUNTY

LIBER 3701 PAGE 330



SECTION 35 BLOCK

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.Kenneth Pregno Agency, Ltd.  
Park Circle Building  
Peekskill, NY 10566

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62167 DATE 10-30-92 AFFIDAVIT FILED 19INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20	Blooming Grove	SERIAL NO. _____	CHECK <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHARGE <input type="checkbox"/>
CH22	Chester	Mortgage Amount \$ _____	
CO24	Cornwall	Exempt Yes <input type="checkbox"/> No <input type="checkbox"/>	MORTGAGE TAX \$ _____
CR26	Crawford	3-6 Cooking Units Yes <input type="checkbox"/> No <input type="checkbox"/>	TRANSFER TAX \$ <u>EXEMPT</u>
DP28	Deerpark	Received Tax on above Mortgage	
GO30	Goshen	Basic \$ _____	<i>Ed Jura</i> 5-
GR32	Greenville	MTA \$ _____	RECORD. FEE \$ <u>14</u>
HA34	Hamptonburgh	Spec. Add. \$ _____	REPORT FORMS \$ <u>30-</u>
HI36	Highland	TOTAL \$ _____	CERT. COPIES \$ _____
MK38	Minisink		
ME40	Monroe		
MY42	Montgomery		
MH44	Mount Hope		
NT46	Newburgh (T)		
NW48	New Windsor		
TU50	Tuxedo		
WL52	Walkill		
WK54	Warwick		
WA56	Wawayanda		
WO58	Woodbury		
MN09	Middletown		
NC11	Newburgh		
PJ13	Port Jervis		
9999	Hold		

MARION S. MURPHY  
Orange County Clerkby: Sm

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 12th day of Nov 19 92 at 4:39O'Clock P M. In Liber/Film 3701  
Deed at page 330 and examined.*Marion S. Murphy*  
County Clerk*K. Pregno*

RECEIVED
\$ <u>EXEMPT</u>
REAL ESTATE
NOV 12 1992
TRANSFER TAX
ORANGE COUNTY

LIBER 3701 PAGE 330

ORG 11/12/92 04:39:17 53672 44.00  
 \*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
 DEED CONTROL NO: 62167 .00 \*  
 \*\*\*\*\* SERIAL NUMBER: 002566 \*\*\*\*\*

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 93-40.

Date: 9/28/93

I. ✓ Applicant Information:

- (a) Herbert T. Anderson - 267 Riley Rd, New Windsor N.Y. - 17853.  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ) Use Variance ( ) Sign Variance
- (X) Area Variance ( ) Interpretation

III. ✓ Property Information:

- (a) R-1 267 Riley Road. 35.1861 x 0.081 Acres.  
(Zone) (Address) (S B L) (Lot size)  
32,985 S.F.  
0.757 Acres.  
or 3,500 S.F.
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? replacing by owner.
- (d) When was property purchased by present owner? 1986.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: - shed - storage for garden supplies - 8'x8'

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E.  
Sec. 48-14A(4)

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35 ft.</u>	<u>21 ft. 4 in.</u>	<u>13 ft. 8 in.</u>
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The garage was already constructed on property when I bought the property. I wasn't until I wanted to refinance the property, I found there was no CO. for garage.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a  
variance, and set forth your reasons for requiring extra or over size  
signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(c) What is total area in square feet of all signs on premises  
including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
\_\_\_\_\_.

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs.,  
Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure  
that the quality of the zone and neighboring zones is maintained or  
upgraded and that the intent and spirit of the New Windsor Zoning is  
fostered. (Trees, landscaping, curbs, lighting, paving, fencing,  
screening, sign limitations, utilities, drainage.)

*Garage is in excellent condition, Hard to notice  
from road, due to trees & shrubbery, and blends in  
with landscaping.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

✓ IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.  
☒ Copy of tax map showing adjacent properties.

- N/A ✓ Copy of contract of sale, lease or franchise agreement.  
 ✓ Copy of deed and title policy.  
 ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.  
N/A ✓ Copy(ies) of sign(s) with dimensions and location.  
 ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 292.00, each payable to the TOWN OF NEW WINDSOR.  
 ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: September 28, 1993

STATE OF NEW YORK )  
 ) SS.:  
 COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X. Herbert R. Anderson  
 (Applicant)

Sworn to before me this

28th day of September, 1993.  
Patricia A. Barnhart

PATRICIA A. BARNHART  
 Notary Public, State of New York  
 No. 01BA4904434  
 Qualified in Orange County  
 Commission Expires August 31, 1995.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.

(b) Variance: Granted ( ☐ ) Denied ( ☐ )

(c) Restrictions or conditions: \_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)